

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HELEN SUK,

Plaintiff,

MEMORANDUM AND ORDER
19-CV-6043 (RPK) (RML)

-against-

TASTEMAKERS GLOBAL INC.,

Defendant.

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RACHEL P. KOVNER, United States District Judge:

Plaintiff Helen Suk brings this copyright infringement action against defendant Tastemakers Global Inc. *See* Compl. ¶ 1 (Dkt. #1). Plaintiff is a professional photographer who licenses her photographs to online and print media for a fee. *See id.* ¶ 5. The complaint alleges that defendant reproduced and displayed two of plaintiff’s registered photographs on defendant’s website without authorization, in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501. *See* Compl. ¶¶ 7-16. After defendant failed to respond to the complaint, plaintiff moved for default judgment. *See* Mot. for Default J. (Dkt. #10).

On October 19, 2020, Magistrate Judge Levy issued a report and recommendation (“R. & R.”) recommending that plaintiff’s motion be granted as to liability, but denied without prejudice as to damages, attorney’s fees, and costs. *See generally* R. & R. (Dkt. #18). No party objected to the R. & R. within the time required by 28 U.S.C. § 636(b)(1).

A district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). When no party has objected to a magistrate judge’s recommendation, the recommendation is reviewed, at most, for “clear error.” *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the

record in order to accept the recommendation.”); *see, e.g., Alvarez Sosa v. Barr*, 369 F. Supp. 3d 492, 497 (E.D.N.Y. 2019). Clear error will be found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006).

I have reviewed Judge Levy’s R. & R. and, having found no clear error, adopt it in full. Accordingly, plaintiff’s motion for default judgment is granted as to liability but denied without prejudice as to damages, fees, and costs.

SO ORDERED.

/s/ Rachel Kovner
RACHEL P. KOVNER
United States District Judge

Dated: December 30, 2020
Brooklyn, New York